

IC 31-34-15

Chapter 15. Case Plan

IC 31-34-15-1

Requirement of case plan

Sec. 1. In accordance with federal law, a case plan is required for each child in need of services who is under the supervision of the county as a result of:

- (1) out-of-home placement; or
- (2) issuance of a dispositional decree under IC 31-34-20.

As added by P.L.1-1997, SEC.17.

IC 31-34-15-2

Time for completion

Sec. 2. The department, after negotiating with:

- (1) the child's parent, guardian, or custodian;
- (2) the child, if the child is at least fourteen (14) years of age; and
- (3) any child representatives selected by the child under section 7 of this chapter;

shall complete a child's case plan not later than sixty (60) days after the date of the child's first placement or the date of a dispositional decree, whichever occurs first.

As added by P.L.1-1997, SEC.17. Amended by P.L.145-2006, SEC.302; P.L.104-2015, SEC.35.

IC 31-34-15-3

Provision of copy of completed case plan

Sec. 3. A copy of the completed case plan shall be sent, not later than ten (10) days after the plan's completion, to:

- (1) the child's parent, guardian, or custodian;
- (2) the child, if the child is at least fourteen (14) years of age;
- (3) any child representatives selected by the child under section 7 of this chapter; and
- (4) any agency having the legal responsibility or authorization to care for, treat, or supervise the child.

As added by P.L.1-1997, SEC.17. Amended by P.L.146-2008, SEC.595; P.L.104-2015, SEC.36.

IC 31-34-15-4

Form; contents

Sec. 4. A child's case plan must be set out in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21. The case plan must include a description and discussion of the following:

- (1) A permanent plan for the child and an estimated date for achieving the goal of the plan.
- (2) The appropriate placement for the child based on the child's special needs and best interests.

- (3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is recommended. If an out-of-home placement is appropriate, the local office or department shall consider whether a child in need of services should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.
- (4) Family services recommended for the child, parent, guardian, or custodian.
- (5) Efforts already made to provide family services to the child, parent, guardian, or custodian.
- (6) Efforts that will be made to provide family services that are ordered by the court.
- (7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:
 - (A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and
 - (B) department has coordinated with local educational agencies to ensure:
 - (i) the child remains in the school where the child is enrolled at the time of removal; or
 - (ii) immediate, appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.
- (8) Any age appropriate activities that the child is interested in pursuing.
- (9) If the case plan is for a child in foster care who is at least fourteen (14) years of age, the following:
 - (A) A document that describes the rights of the child with respect to:
 - (i) education, health, visitation, and court participation;
 - (ii) the right to be provided with the child's medical documents and other medical information; and
 - (iii) the right to stay safe and avoid exploitation.
 - (B) A signed acknowledgment by the child that the:
 - (i) child has been provided with a copy of the document described in clause (A); and
 - (ii) rights contained in the document have been explained to the individual in an age appropriate manner.

As added by P.L.1-1997, SEC.17. Amended by P.L.145-2006, SEC.303; P.L.131-2009, SEC.64; P.L.128-2012, SEC.161; P.L.104-2015, SEC.37.

IC 31-34-15-5

Cooperation in development of plan

Indiana Code 2015

Sec. 5. Each foster parent of a child and the department shall cooperate in the development of the case plan for the child. The department shall discuss with at least one (1) foster parent of a child the foster parent's role regarding the following:

- (1) Rehabilitation of the child and the child's parents, guardians, and custodians.
- (2) Visitation arrangements.
- (3) Services required to meet the special needs of the child.

As added by P.L.1-1997, SEC.17. Amended by P.L.145-2006, SEC.304.

IC 31-34-15-6

Filing of paternity action by local prosecuting attorney's office

Sec. 6. (a) This section applies whenever a child who was born out of wedlock is:

- (1) or is alleged to be a child in need of services; and
- (2) under the supervision of the department or a local office as a result of a court ordered out-of-home placement.

(b) The department or the local office shall refer a child's case to the local prosecuting attorney's office for the filing of a paternity action if the:

- (1) identity of the alleged father is known; and
- (2) department or the local office reasonably believes that establishing the paternity of the child would be beneficial to the child.

The local prosecuting attorney's office shall file a paternity action regarding each case that is referred under this subsection. The department shall sign the paternity petition as the child's next friend.
As added by P.L.103-1997, SEC.5. Amended by P.L.145-2006, SEC.305; P.L.128-2012, SEC.162.

IC 31-34-15-7

Consult with child; selection of child representatives; adviser

Sec. 7. (a) For a child who is at least fourteen (14) years of age, the department shall consult with the child in the development of the child's case plan or transitional services plan. If the department determines that the child is unable to participate effectively in the development of a case plan or transitional services plan due to a physical, mental, emotional, or intellectual disability, the department may excuse the child from this requirement by documenting in the plan the reasons for the child's inability to participate in the development of the applicable plan. If the child refuses to participate in the development of the applicable plan for reasons other than a physical, mental, emotional, or intellectual disability, the department shall record the refusal and document efforts made to obtain the child's input or participation in the development of the applicable plan.

(b) The child may select not more than two (2) child representatives to represent the child in the development of the child's

case plan or transitional services plan. A child representative selected under this section:

(1) must be:

(A) at least eighteen (18) years of age; and

(B) a member of the case planning team; and

(2) may not be a foster parent of or caseworker for the child.

(c) The child may select one (1) of the child representatives who is a member of the child's case planning team to also be the child's adviser and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

(d) The department may reject an individual selected by a child to be a member of the case planning team at any time if the department has good cause to believe that the individual would not act in the best interests of the child.

As added by P.L.104-2015, SEC.38.